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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,917	02/13/2002	Kenneth Elmon Koch III	46872.269148 (UNCC 2001-0	1717
44231	7590	01/17/2006	EXAMINER	
KILPATRICK STOCKTON LLP - 46872 J. STEVEN GARDNER 1001 WEST FOURTH STREET WINSTON-SALEM, NC 27101			PAN, DANIEL H	
			ART UNIT	PAPER NUMBER
			2183	

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/075,917	<b>Applicant(s)</b> KOCH, KENNETH ELMON	
	<b>Examiner</b> Daniel Pan	<b>Art Unit</b> 2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.  
 4a) Of the above claim(s) 28-45 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-27 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*★ 1449 on 02/13/02 is a blank form. 2P. 01/07/06*

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/28/05, 02/13/02</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. Claims 1-27 remain for examination. Claims 28-45 have been canceled.
2. The IDS on 10/28/05 has been received and considered. Examiner thanks applicant for clarifying the IDS blank 1449 form on 02/13/02.
3. Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/803,690. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the reasons already set forth in the Paragraph # 4 in the last Office action on 08/08/05, therefore, it will not be repeated herein.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
5. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Saldanha et al. (5,682,519).
6. The rejection was directed to 35 U.S.C. 102(b). However, due to typo error the letter "(a)" , instead of (b) was inserted into the rejection statement in paragraph 5. Nevertheless, the text portion of 35 U.S.C. 102(b) was included already before paragraph 5 in the action, and it was self-explanatory.
7. As to the newly amended feature of "dynamically" performing short circuit evaluation, Saldanha also taught that his system was run on Sun Unix operating

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system , and the low power synthesis module (see algorithm used for low power short circuit in col.5, lines 60-67, col.6, lines 1-14) was part of Sequential Interactive System software (see col.5, lines 45-52). From the above , it can be seen easily that Saldanha's short circuit evaluation ( for purpose of low power) was based on interactive software, and an interactive software , as already known in the art, was able to respond whenever the user's request occurred, and therefore, it was dynamic. Saldanha did not explicitly characterize his system as "dynamic", but due to the interactive nature of the software, it was dynamic.

8. The rejection is maintained and incorporated by reference the last Office action on 08/08/05.

9. The response on 10/28/05 by applicant has been fully considered, but it is not persuasive .

10. In the remarks , applicant argued that Saldanha's circuit is unable to dynamically perform the short circuit evaluation of Conjunctive Normal Form Boolean expressions.

11. As to the remark above, Saldanha taught a Boolean logic unit (see fig. 5) was operable for performing the shod circuit evaluation of Conjunctive Normal Form Boolean expressions/operations (see AND gate, see the shod circuited AND in col.7, lines 53 65, see for Boolean expression ). Saldanha did not explicitly characterize "dynamic" as claimed. However, Saldanha was also taught that his system was run on Sun Unix operating system , and the low power synthesis module (see algorithm used for low power short circuit in col.5, lines 60-67, col.6, lines 1-14) was part of Sequential

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Interactive System software (see col.5, lines 45-52). From the above teaching, it can be seen easily that Saldanha's short circuit evaluation (for purpose of low power) was based on interactive software, and an interactive software, as already known in the art, was able to respond whenever the user's request occurred, and therefore, it was dynamic. Saldanha did not explicitly characterize his system as "dynamic", but due to the interactive nature of the software, it was dynamic.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 703 305 9696, or the new number 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 703 305 9712, or the new number 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***21 Century Strategic Plan***

  
DANIEL H. PAN  
PRIMARY EXAMINER  
GROUP